

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BOB McNEIL, an individual, on behalf of
himself, and all others similarly situated,

Plaintiffs,

v.

CAPITAL ONE BANK, N.A.

Defendant.

**[PROPOSED] CASE MANAGEMENT
PLAN**

Case Number: 1:19-cv-00473-FB-RER

Upon consent of the parties, it is hereby ORDERED as follows:

1. Defendant shall answer the complaint by **November 2, 2020**.
2. No additional parties may be joined after **January 15, 2021**.
3. No amendment of the pleadings will be permitted after **January 15, 2021**.
4. Date to serve initial disclosure pursuant to Federal Rule of Civil Procedure 26(a)(1): **November 15, 2020**.
5. The parties shall make required Rule 26(a)(2) disclosures with respect to:¹
 - a. Plaintiff's expert witnesses on or before **April 15, 2021**.
 - b. Defendant's expert witnesses on or before **May 17, 2021**.
 - c. Parties' rebuttal expert witnesses on or before **June 17, 2021**.
6. All discovery, including depositions of experts, shall be completed on or before **July 30, 2021**.
7. Pre-motion letters regarding proposed motion for class certification and dispositive motions must be submitted within one (1) week following the close of all discovery and responses are due one week later.

¹ The parties anticipate the need to exchange supplemental expert reports on the issue of class-wide damages should the Court certify a class and agree to work together on a schedule for such reports.

8. Do the parties consent to trial before a magistrate judge pursuant to 28 U.S.C. §636(c)? **(Answer no if any party declines to consent without indicating which party has declined.)**

____ Yes X No

If parties answer yes, then fill out the AO 85 (Rev. 01/09) Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form. The form can be accessed at the following link: <http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf>.

9. A Telephone Conference set for _____, to be initiated by _____ Plaintiff or _____ Defendant (Check One).

(The Court will schedule the conference listed above).

10. Status Conferences will be held every 45 days. Letters regarding discovery status to be submitted 7 days before Status Conference for Court to determine if Status Conference should go forward.

(The Court will schedule the conference listed above).

11. A Final Pre-Trial Conference will be held six months after the ruling on class certification to allow for completion of the notice plan should class certification be granted.

(The Court will schedule the conference listed above).

This scheduling order may be altered or amended upon a showing of good cause not foreseeable at the date hereof.

Dated: Brooklyn, New York

October __, 2020

RAMON E. REYES, JR.
UNITED STATES MAGISTRATE JUDGE

CONSENTED TO:

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